



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग चार-ब

वर्ष २, अंक ५२]

शुक्रवार, एप्रिल २२, २०१६/वैशाख २, शके १९३८

[पृष्ठे ११, किंमत : रुपये ९.००

असाधारण क्रमांक १२५

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले  
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश

HOME DEPARTMENT

Madam Cama Road, Hutatma Rajguru Chowk,  
Mantralaya, Mumbai 400032, dated 22nd April 2016

NOTIFICATION

MAHARASHTRA PROHIBITION OF OBSCENE DANCE IN HOTELS, RESTAURANTS AND BAR ROOMS AND PROTECTION OF DIGNITY OF WOMEN (WORKING THEREIN) ACT, 2016.

No. MIS. 0216/C.R.25/SPL-5.—In exercise of the powers conferred by section 14 of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Act, 2016 (Mah. Act No. XII of 2016), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following Rules, namely:-

1. *Short title.*—These rules may be called the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Rules, 2016.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,-

(a) “Act” means the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Act, 2016 (Mah. XII of 2016);

(b) “criminal record” in relation to an applicant, means the record of criminal offences involving moral turpitude, offences under the Immoral Traffic (Prevention) Act, 1956 (Act No. 104 of 1956) and also includes the offences for which a punishment of two years or more is prescribed under any law for the time being in force;

(c) “Form” means forms appended to these Rules;

(d) “green room” means the space in the establishment which is used as waiting room and lounge for the dancer or artist, before and after the performance;

(e) “licensee” or “holder of licence” includes the Manager or Managers or a person nominated by the licensee;

(f) “Schedule” means Schedule appended to these Rules.

(2) Words and expressions used in these Rules, but not defined hereinabove shall have the same meaning respectively assigned to them under the Act.

3. *Application for licence.*—A person shall be entitled to obtain or hold a licence under these Rules, if he,—

(i) has attained 21 years of age;

(ii) is a citizen of India or a partner of partnership firm registered under the Indian Partnership Act, 1932 or a company registered under the Companies Act, 1956 or the Companies Act, 2013;

(iii) possess a good character and antecedents and shall not have any history of criminal record in the past:

Provided that, the licencing authority shall consider the history of criminal record of the applicant upto ten years before the date of application; and

(iv) complies with the conditions specified in Part-A of the Schedule.

4. *Manner of making application for grant of licence.*—(1) Every application for licence under sub-section (1) of section 6 of the Act shall be made to the concerned licensing authority in Form I.

(2) Every application under sub-rule (1) shall be accompanied with a demand draft or banker's cheque of rupees ten thousand drawn on a Scheduled Bank in favour of the licensing authority towards payment of site-inspection fee. The fee payable under this sub-rule shall be non-refundable.

(3) Every application referred to in sub-rule (1) shall be either personally delivered to the licensing authority or sent to him by registered post.

(4) On receipt of application referred to sub-rule (1), the licensing authority shall after noting thereon the date of receipt of the application grant an acknowledgement to the applicant.

5. *Grant of licence.*—(1) The licencing authority shall, after receipt of an application under sub-rule (1) of rule 4, either himself or through a police officer, not below the rank of Assistant Police Inspector, carry out the inspection of the establishment and record its report on the suitability of that establishment for grant of licence.

(2) The licensing authority may, after considering the report under sub-rule (1), and after satisfying itself that the conditions for licence as specified in Part-A of the Schedule are complied, direct the applicant to deposit the licence fee specified in rule 6. On deposit of the licence fee, the licensing authority may grant a licence in Form II.

(3) The licence under sub-rule (2) shall be valid for a period of one year from the date of its issue.

6. *Fees.*—(1) The annual fees for grant of licence and renewal of licence shall be as follows:-

(i) within the limits of all Municipal Corporation areas—rupees two lakhs;

(ii) within the limits of (A), (B) and (C) Class Municipal Councils— rupees one lakh seventy five thousand;

(iii) within the limits of any other areas not covered by clause (i) and (ii) above—rupees one lakh fifty thousand.

(2) The fees for licence and renewal of licence shall be payable by demand draft or pay order drawn on a Scheduled Bank, in favour of a licensing authority.

(3) The fees paid for grant of licence and renewal of licence shall be non-refundable.

7. *The licensee to observe the terms and conditions throughout the licence period.*—(1) The licensee shall observe the terms and conditions specified in the Schedule throughout the period of licence.

(2) During the period of licence, the licensing authority, or the police officer not below the rank of Police Sub-Inspector of the concerned police station may, with a view to ensure that the provisions of the Act, the rules and the terms and conditions of the licence are duly observed, inspect the place for which the licence under the rules has been granted.

8. *Renewal of licence.*—(1) The licence issued under these rules may, on an application by the licensee in Form-I, be renewed for a further period of one year.

(2) Every licensee shall apply to the licensing authority for renewal of the licence a month before its expiry.

(3) The renewal of licence shall be subject to the conditions specified in Schedule.

9. *Appeal, revision and its procedure.*—(1) Every appeal under section 10 and every revision under section 11 of the Act shall be preferred by the aggrieved person to the Appellate Committee or the Revisional Authority, as the case may be, in person or by registered post within one hundred eighty days from the date of receipt of such order. Such appeal or application shall state precisely the ground or grounds on which it has been preferred:

Provided that, the Appellate Committee or the Revisional Authority, as the case may be, may entertain the appeal or revision, as the case may be, after the expiry of the said period of one hundred and eighty days, if it is satisfied that the appellant was prevented by a sufficient cause from filing the appeal or revision in time.

(2) The fees for the appeal to be filed under section 10 and revision to be filed under section 11 of the Act shall be rupees one thousand and shall be payable by demand draft or pay order drawn on any Scheduled Bank drawn in favour of Desk Officer, Home Department, Government of Maharashtra.

(3) The Appellate Committee and the Revisional Authority, as the case may be, shall take decision on every such appeal or revision, as the case may be, as far as possible within a period of ninety days from the date of filing of such appeal or revision, as the case may be.

10. *Grievance Redressal Committee.*—(1) Without prejudice to the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), there shall be Grievance Redressal Committee consisting of Group 'A' Government officers for redressal of the grievance of women working in the establishments, namely:-

(a) in Commissionerate areas,—

- |   |     |                   |
|---|-----|-------------------|
| (i) The Commissioner of Police  | ... | Chairman;         |
| (ii) The District Magistrate  | ... | Member;           |
| (iii) One woman officer of any department not below the rank of Group A officer, nominated by the concerned Police Commissioner | ... | Member;           |
| (iv) One woman officer of any department not below the rank of Group A officer, nominated by the concerned District Magistrate  | ... | Member;           |
| (v) Concerned District Women and Child Development officer not below the rank of Group- A officer.                              | ... | Member Secretary. |

(b) in other area,—

- |  |     |                   |
|--|-----|-------------------|
| (i) The District Magistrate  | ... | Chairman;         |
| (ii) Superintendent of police  | ... | Member;           |
| (iii) One woman officer of any department not below the rank of Group A officer, nominated by the concerned District Magistrate.     | ... | Member;           |
| (iv) One woman officer of any department not below the rank of Group A officer, nominated by the concerned Superintendent of police. | ... | Member;           |
| (v) Concerned Child Development Project officer of Group A officer.  | ... | Member Secretary. |

(2) The aggrieved woman may make a written complaint to the concerned Grievance Redressal Committee.

(3) The Committee shall create appropriate redressal mechanism for receiving complaints in accordance with this rule.

(4) The Committee shall maintain a complaint-register for the complaint received and a unique complaint number shall be provided to the complainant immediately. There shall also be incorporated in the Complaint-Register, the action taken on such complaint.

(5) The names and the addresses and all particulars of the Committee under this rule shall be given wide publicity in local newspapers, local cable network and on the web-site as well as with all Government offices and in prominent place of the establishments.

(6) If the Committee finds any substance in the grievances, it shall take appropriate action as it may deem fit. The Committee may also recommend the licensing authority for further appropriate action, including suspension of the license.

11. *Display of licences.*—The licensee shall display the licence prominently on the walls of the place.

12. *Smoking prohibited.*—Subject to the provisions of the Prohibition of Smoking in Public Places Rules, 2008, no person shall smoke and no licensee or his nominated manager or managers shall permit smoking in the establishment.

13. *Overcrowding prohibited.*—No licensee shall permit more number of persons than the maximum number authorized by the licence to be accommodated in such place.

14. *Cleanliness.*—The licensee shall at all times keep the place in a clean and sanitary condition.

15. *Licence to be non-transferable.*—The licence granted under these Rules shall not be transferable. On the death of the licensee, the licence shall be deemed to be revoked.

16. *Licensee liable for the acts of his employees.*—The licensee shall be responsible for all acts and omissions of his managers, servants or agents committed or made to his knowledge and arising out of or in connection with the place for which the licence has been granted.

## **SCHEDULE**

### **General Conditions**

#### **PART - A**

##### **Conditions to be complied before grant of Licence**

1. Separate hygienic and adequate toilet and locker facilities shall be provided for female employees;
2. One stage should not be less than 10ft. x 12 ft. in size in bar room, with non-transparent partition between hotel, restaurant and bar room area. If the applicant is holding permit room licence then there shall be fixed partition between the permit room and dance room.
3. The stage should be separated from all sides by a railing of 3 feet height and not by the non-removable partition.
4. There shall be a distance of 5 ft. between the railing and the customers seating area.
5. There shall be a barrier of not less than 6 inch height restricting the customers from crossing partition and entering the place where dances are staged.
6. The applicant should be holding the certificate regarding health and fire safety from the concerned Municipal Corporation or the concerned local authority, as the case may be. The licensee shall comply with the terms and conditions mentioned in the certificate issued by such authorities in respect of fire prevention measures.
7. At least one separate entry and one separate exit door should be operative at all times for free, safe and unobstructed movements of the visiting customers.
8. Conditions as laid down in Noise Pollution Control Rules shall be strictly complied.
9. The Licensee shall ensure that no concealed cavity or a room is created within the place in order to conceal performers/staff. But a green room may be allowed.
10. The licensee shall provide adequate dedicated parking space as per Development Control Regulations.
11. The place shall be at least one kilometer away from the educational and religious institutions.
12. The place shall not be in the residential building. In case it is in partial residential building, the applicant shall obtain No Objection Certificate of at least three-fourth occupants of the building.

#### **PART - B**

##### **Conditions to be fulfilled after grant of Licence**

1. The provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and of the Protection of Children from Sexual Offences Act, 2013, shall be complied with.
2. The working women, the dancers and waiters/waitresses must be employed under a written contract on a monthly salary to be deposited in their bank accounts (with all other benefits as required by law, including provident fund) and a copy of such contract must be deposited with the licensing authority.
3. A register of names of the employees reporting for work in the hotel, restaurant and bar room shall be maintained. The attendance of all the employees be recorded by Biometric Identification System. The proprietor of the establishment must record all particulars of each employee including full name, age, educational qualification, complete address, recent passport size photograph, Aadhar card number (if any), citizenship and other necessary details. The proprietor of the establishment shall be responsible for verifying the information furnished.

4. The provisions of the Maharashtra Shops and Establishment Act shall be applicable to all the employees in establishment.

5. The establishment shall issue a photo ID card to each employee which shall be carried with by that employee at all times during the period of duty.

6. Customer shall not be permitted to throw or shower coins, currency notes or any article or anything which can be monetized on the stage in the direction of the dancer. Customers may, however, make payment of a tip in appreciation of all the dancers by adding a sum to the amount of the bill. Such tip shall be paid by the licensee to the dancers of that evening and under no circumstances such sum shall be deducted from the monthly salary.

7. Licensee shall ensure that there will not be any showering of any currency notes, coins or article or articles in token thereof, on performers, on stage or anywhere in the premises, by the customer himself or through the waiter or through any other person.

8. A person below the age of 21 years shall not be permitted entry into the bar room under any circumstances. For this purpose such person shall be required to produce a valid identity card indicating his age.

9. The bar room where dances are staged shall be open for public only between 6.00 P.M. to 11.30 P.M.

10. Adequate security measures must be taken to prevent the sexual or other harassment in any form of any employee working in the hotel, restaurant and bar room. A provision of at least three female security guards for each establishment shall be made. A female employee may be allowed to remain in establishments beyond 9.30 p.m. only if she consents willingly in writing. In such event the establishment must ensure her safety including providing free and suitable travel arrangements to her place of residence. The proprietor of the establishment must make arrangements for adequate crèche facilities to be availed by any female employee.

11. No intoxicating drugs, psychotropic substances or narcotics shall be permitted in the establishment.

12. No alcoholic beverage shall be served in the bar room where dances are staged.

13. The licensee may permit four dancers/artists to perform on the stage at one time but there can be other artists at green room inside the establishment.

14. The licensee shall ensure that the age of the dancers is not below 21 years.

15. The licensee shall obtain suitability certificate from "Rangbhumi Prayog Parinirikshan Mandal" for starting the performances after verifying the amusement of the Programme/Song Code.

16. The Licensee shall ensure that the employees have no criminal antecedents.

17. The Licensee shall not allow any modification or alteration in the premises without the permission of the licensing authority.

18. The Licensee shall not appoint any manager or an agent to conduct the business on his behalf without obtaining the previous permission of the licensing authority which shall be endorsed on the license.

19. The Licensee shall ensure that either the Licensee himself or his manager or his agent whose name has been endorsed on the license by the licensing authority shall remain present during the whole time for which premises are open to the public.

20. The Licensee shall ensure that all entrances of the bar room, other places of amusement or public entertainment and the area which falls under the definition of public place shall be covered by CCTV cameras and recording shall be preserved for 30 days for the inspection by the Competent Police Authority, if it is requisitioned by him.

21. The Licensee shall at all times allow free access to such place to any Police Officer not below the rank of Police Sub-Inspector on duty entering the same in the execution of his duty.

22. Subject to the provisions of Prohibition of Smoking in Public Places Rules, 2008, the Licensee shall not allow any person including performers to smoke either on stage or in the entire premises.

23. Licensee shall ensure that no performance of dance shall be expressive of any kind of obscenity, in any manner, even remotely.

24. Licensee shall ensure that there is no violation of dignity of women through obscene dances.

25. Licensee will be liable for legal action if any information furnished is found to be false or document furnished is found to be forged.

26. The Licensee shall abide by the provisions of the Maharashtra Police Act, as well as all other laws applicable in this context.

27. The Licensee shall conduct his or her occupation or business in such premises in an orderly manner.

By order and in the name of the Governor of Maharashtra,

DR. VIJAY SATBIR SINGH,  
Principal Secretary (A. & S.)  
Home Department to Government.

## FORM-I

[Format for Application for Hotel, Restaurant and Bar Room]

[Rule-4]

(Fill up the application carefully &amp; correctly. Incomplete application would be liable to rejection)

Name of the Premises on letter head

Photograph of the  
applicant with  
signature acrossRs.5  
Court Fee  
StampM/s \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date :

Name of the Police Station: \_\_\_\_\_

To,

The Commissioner of Police/Superintendent of Police

Subject: **Application for the grant of Licence to ....**

Sir,

I the undersigned Shri/Smt/Kum \_\_\_\_\_ owner of Hotel  
M/s \_\_\_\_\_ would like to apply for grant of  
Licence for Hotels, Restaurants and Bar Rooms at the above address. The place belongs to me/  
taken on rent or lease and is not in fully residential building.

Details are as follows :

- 1] Full Name : \_\_\_\_\_
- 2] Occupation : \_\_\_\_\_
- 3] Parentage : \_\_\_\_\_
- 4] Age [Date of Birth and  
Place of Birth] : \_\_\_\_\_
- 5] Nationality : \_\_\_\_\_
- 6] (A) Residential Address : \_\_\_\_\_  
with Telephone/Mobile/  
Fax/E-mail \_\_\_\_\_  
(B) Native Place Address : \_\_\_\_\_  
with name of Police Station \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 7] Full Name of the : \_\_\_\_\_  
Establishment & Address \_\_\_\_\_  
[with Landmark] \_\_\_\_\_



- (i) Total area of the premises
- (ii) Total number of rooms with area of each room in the premises.
- (iii) whether the premises is in partial residential building.
- (iv) if yes, whether consent of  $\frac{3}{4}$  th of the occupants is obtained.
- if yes, furnish the details.

8. (A) Whether the applicant applied for a Premise & Performance Licence in the past, if so for which place and when with what result \_\_\_\_\_
- (B) If the applicant was holding any Police Licence/ Performance Licence in the past whether the said Licence was ever Suspended / Cancelled / Revoked. If so, give details with copy of the said Order \_\_\_\_\_

9. Exact Nature of Amusement Activity : \_\_\_\_\_

10. Certified & Attested Copies of update document attached whichever is applicable.

Sr. No.	Documents From Various Departments	Submitted Documents
<b>Local Authority</b>		
(1)	Shop & Establishment License	
(2)	Eating House & Permit Room License from Local Authority	
(3)	Grade License	
(4)	Property Tax paid Receipt	
(5)	Occupation / Commencement Certificate of Local Authority of Certificate from Local Authority stating "No Action Pending"	
(6)	Vehicle Parking Plan	
(7)	Health Licence in "Form-B"	
(8)	NOC from Local Authority Department & Health Department of Local Authority if place is situated on Mezzanine floor.	
<b>Fire Brigade Department</b>		
(1)	NOC Certificate from Fire Brigade to the effect that all precautionary measures have been taken from public safety point of view.	
(2)	A recent report of fire audit.	
<b>Excise Department</b>		
(1)	FL-III/FL-IV Licence & Map of Establishment signed by Superintendent of State Excise Department	
<b>FDA /FSSAI Authority</b>		
(1)	Food Safety & Standards Authority of India Licence under Food Safety & Standards Act, 2006 "Form-C".	

Sr. No.	Documents From Various Departments	Submitted Documents
<b>Documents From Applicants Place</b>		
(1)	Ownership document if the place is Owned by the applicant	
(2)	Rent receipt/Lease Agreement/Land Lord OR Society / owners NOC, if the place is on Rent/Lease	
<b>About Establishment / Company / Firm</b>		
(1)	Copy of Partnership Deed, if Partnership Firm	
(2)	Copy of Memorandum and Articles	
(3)	Copy of the Resolution under which authorized to sign and obtain the above license from Police Rent/Lease	
<b>About Establishment / Company / Firm</b>		
(1)	Copy of Partnership Deed, if Partnership Firm	
(2)	Copy of Memorandum and Articles	
(3)	Copy of the Resolution under which authorized to sign and obtain the above license from Police Department	
(4)	Applicant/All Partners/Directors Residential Proof	
(5)	List of Directors	
<b>Other Documents</b>		
(1)	Certificate from Government Electrical Inspector or Government Approved Private Contractor regarding the safety of Electrical Fittings.	
(2)	Certificate about installation of Fire Extinguishers in proper condition and updated	
(3)	Telephone installation Certificate from Telephone service Provider [Telephone in working condition] / Copy of Latest Telephone Bill.	
(4)	Site Plan showing religious, Educational institution and Hospitals within a radius of 1 k.m. of the Establishment.	
(5)	Proposed location and Site Plan indicating the place for Stage for Performing Dance [Size of stage 10 x 12 sq. feet] and specification about internal arrangement in Hotel, Restaurant and Bar Room with their admeasuring area, the floor etc. and duly signed by the architect with date	
(6)	Sound Proof Certificate from an Architect.	

Copies of above documents are attached herewith. If any other documents are required the same will be submitted as soon as we are informed.

It is requested that necessary licence may kindly be granted. I will abide by the rules, regulations and conditions of the licence and provision of prescribed rules and other issued by Licensing Authority from time to time.

Hoping you would do the needful at the earliest and obliged.

Thanking You,

Your faithfully  
(Full Name & Signature).

## FORM-II

[Format of Licence]

Licensee  
Photo

PREMISES LICENCE

Rs.

(Rule-5)

Rt.

(For fees vide Rule-6)

Dt. 00.00.2016

No. of 2016

In exercise of the powers conferred by the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Rules, 2016 License is hereby granted, subject to the conditions and restrictions laid down in the aforesaid Rules and conditions herein below to Shri/M/s. \_\_\_\_\_ authorising him to keep a Place for Amusement known as Dance on Recorded Music at M/s. \_\_\_\_\_ and assessed under Municipal No. \_\_\_\_\_ to be opened between 06-00 p.m. and 11-30 p.m. from this date \_\_/\_\_/20\_\_ till midnight of \_\_/\_\_/20\_\_ subject nevertheless to suspension, revocation or cancellation under the aforesaid rules.

Brief description of Public Amusement Activity.

Number and Name of the Different divisions of the auditorium (1)	Number of persons that each such divisions can accommodate (2)	Number and positions of entrance and exits in each division (3)
This license is valid for only one stage of 10ft x 12ft	One person will accommodate 4ft x 2ft area in the sitting area of Bar Room (sitting area ÷ 8 sq.feet = Maximum number of persons to be accommodated in Bar Room).	As per Excise plan.

Owner's Name and Signature	Manager's Name and Signature with passport size photograph
	(No entry, addition, alteration should be made on the licence without permission of the Licensing Authority).

Given under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_

Police Commissioner's/

for Commissioner of Police/ Superintendent.